

REMARKS

In the non-final Office Action dated March 25, 2008, it is noted that claims 1 – 21 are pending; that the drawings are being objected to; that the specification is objected to; and that claims 1 – 21 stand rejected under 35 U.S.C. §102. Claims 1, 8 and 15 are independent claims.

In the present amendment, claims 5, 11 and 17 have been cancelled without prejudice, and claims 1 – 3, 6 – 9, 12, 13, 15 and 20 have been amended to more clearly and distinctly claim the subject matter that Applicants regard as their invention. No new matter has been added.

Objection to the Drawings

In the Office Action, it is stated that the drawings are objected to because the drawings fail to show legend in Figs. 6A, 6B, 7, 8, 9 and 10.

In the attached Replacement Drawing Sheets (7/10 – 10/10), Applicants have added legends to Figs. 6A, 6B, 7, 8, 9 and 10. No new matter has been added.

Withdrawal of the objection to the drawings is respectfully requested.

Objection to the Specification

The specification has been objected to for not being broken into sections with corresponding section headings.

Applicants thank the Examiner for providing information about recommended section headings. However, Applicants respectfully decline to add the headings. Section headings are not statutorily required for filing a non-provisional patent application under 35 USC 111(a), but per 37 CFR 1.51(d) are only guidelines that are suggested for applicant's use. (See Miscellaneous Changes in Patent Practice, Response to comments 17 and 18 (Official Gazette, August 13, 1996) [Docket No: 950620162-6014-02] RIN 0651-AA75 (“Section 1.77 is permissive rather than mandatory. ... [T]he Office will not require any application to comply with the format set forth in 1.77”).

Accordingly, withdrawal of this objection to the specification is respectfully requested.

Rejections under 35 U.S.C. §102

Claims 1 – 21 are rejected under 35 U.S.C. §102(e) as being anticipated by Diener et al. (U.S. Patent No. 7,269,151 B2) (hereafter Diener).

Applicants submit that for at least the following reasons, claims 1 – 21 are not anticipated by Diener.

For example, amended claim 1 requires:

“obtaining location and transmission characteristics for known transmitters from at least one database.”

In the Office Action, it is alleged that Diener discloses the above claimed features. Applicants respectfully disagree.

Apparently, Diener discloses a location engine (210 of Fig. 15) which contains location information of the devices. However, Applicants submit that Diener does not teach or suggest *“obtaining location and transmission characteristics for known transmitters from at least one database,”* as claimed. This is because, nothing in Diener discloses that the location engine contains transmission characteristics information, or that the location engine obtains the location and transmission characteristics for known transmitters from a database. Although Diener discloses a memory (32 of Fig. 6), it does not disclose that the location and transmission characteristics for known transmitters are stored in such memory. Furthermore, Diener apparently only discloses that memory 32 is used for storing execution instructions (column 8, line 6), but does not teach or suggest that memory 32 is used as a database. Therefore, Diener does not disclose *“obtaining location and transmission characteristics for known transmitters from at least one database,”* as claimed.

Furthermore, amended claim 1 also requires:

“determining an estimated received signal characteristics based on the location and transmission characteristics of said transmitters and a location of said receiving device.”

Applicants submit that nothing in the figures or passages cited by the Office (Figs. 6 – 9, column 6, lines 55 – 67; column 14, lines 21 – 32) discloses the *“determining an estimated received signal characteristics based on the location and transmission characteristics of said transmitters and a location of said receiving device,”* as claimed. Diener, Figs. 6 – 9, show block diagrams of the spectrum analysis engine and processes. However, Applicants submit that none of these figures show any determination of an estimated received signal characteristics based on the location and transmission characteristics of the transmitters and a location of the receiving device. Diener, column 6, lines 55 – 67, apparently discloses the operations of L1 engines services and their relation to engines in other layers. Diener, column 14, lines 21 – 32, apparently discloses a fingerprint identification of devices. However, Applicants submit that none of these passages teach or suggest the use of the location and transmission characteristics of the transmitters and the location of the receiving device as a basis for determining an estimated received signal characteristics. As argued above, Diener does not obtain location and transmission characteristics for known transmitters from at least one database, therefore, there is no such basis in Diener for determining an estimated received signal characteristics.

In view of the foregoing, Applicants submit that claim 1 is not anticipated by Diener. Claims 8 and 15 should also be patentable because they contain many similar distinguishing features as in claim 1.

Claims 2 – 4, 6 – 7, 9 – 10, 12 – 14, 16, and 18 – 21 are believed to be patentable because they respectively depend from claims 1, 8, and 15, with each claim containing further distinguishing features. Claims 5, 11 and 17 have been cancelled. Withdrawal of the rejection of claims 1 – 21 is respectfully requested.

Conclusion

In view of the foregoing, it is respectfully submitted that all the claims pending in this patent application are in condition for allowance. Reconsideration and allowance of all the claims are respectfully solicited.

In the event there are any errors with respect to the fees for this response or any other papers related to this response, the Director is hereby given permission to charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account No. 14-1270.

Respectfully submitted,

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